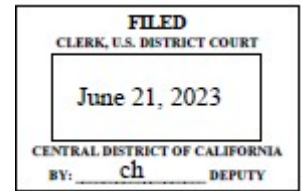




UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

GUSTAVO DELACRUZ, SAMUEL SIMMONS,
and ELIJAH MILLER

Defendants

Case No. 2:23-mj-03116-DUTY

**AMENDED CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 26, 2023, in the county of Los Angeles in the Central District of California, the defendant violated:

18 U.S.C. § 1951(a)

Hobbs Act Robbery

18 U.S.C. § 924(c)(1)(A)(ii)

Brandishing a Firearm in Furtherance of a Crime
of Violence

18 U.S.C. § 2(a)

Aiding and Abetting

This criminal complaint is based on these facts:

Please see attached affidavit.☒ Continued on the attached sheet./s/ Stephen J. May

Complainant's signature

Stephen J. May, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: June 21, 2023Bmirch

Judge's signature

City and state: Los Angeles, CaliforniaHon. Brianna Fuller Mircheff, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Stephen J, May, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant for **GUSTAVO DELACRUZ** ("DELACRUZ"), **SAMUEL SIMMONS** ("SIMMONS"), and **ELIJAH MILLER** ("MILLER") (collectively, "Defendants") for violations of 18 U.S.C. §§ 1951(a) (Hobbs Act Robbery), 924(c)(1)(A)(ii) (Brandishing a Firearm in Furtherance of a Crime of Violence), and 2(a) (Aiding and Abetting). **SIMMONS** is currently in custody at the Los Angeles County Jail on a state charge arising from the armed robbery described below. **DELACRUZ** and **MILLER** have been released on bond on the same state charge.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. BACKGROUND OF AFFIANT

3. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been employed for the past 24 years. From September 1999 through December 2003, I primarily

worked as a Bank Robbery Investigator in the San Francisco Division of the FBI. From December 2003 to the present, I have worked as a Bank Robbery Investigator in the Los Angeles Division of the FBI. And since May 2005, I have also been the Bank Robbery Coordinator in the Los Angeles Division of the FBI.

4. As a Bank Robbery Investigator and Bank Robbery Coordinator, I investigate bank robbery cases assigned to me and review, analyze, and disseminate investigative data (including bank surveillance photographs) on nearly all bank robberies that occur in the Central District of California. Since May 2005, there have been more than 3,500 bank robberies in the Central District of California.

5. Since October 2013, I have also been the lead FBI Agent for the San Gabriel Valley Violent Crime Task Force, which works in conjunction with Task Force Officers from the Los Angeles County Sheriff's Department ("LASD") to investigate commercial and retail robberies.

6. On February 27th and 28th of 2014, I received basic training (Cellular Survey Analysis and Geo-location) from the FBI Cellular Analysis and Survey Team, which included utilizing cellular tower logs to identify a subject phone or phones of different crimes, even when it was not clear whether a cell phone was in use during the commission of the crime. I have also analyzed tower dump data sets and historical cell site data sets for my own FBI cases and other local police departments' investigations on a number of occasions.

7. On September 8, 2020, I completed the ZetX E-learning eight-hour (self-paced) training course - "Forensic Analysis of Cellular Networks." The course provided a detailed instruction on cellular technologies operating in the United States. The history of cellular technologies, the different technologies used in cellular networks, and mapping considerations associated with the networks were thoroughly covered. Additionally, there was an introduction to drive-test techniques (network survey), equipment overview, and how to map and analyze drive test data. The course concluded with instruction about how to present forensic call detail mapping evidence in court.

8. On November 4 and continuing through November 6, 2020, I virtually attended and completed the ZetX WEXA training conference. The WEXA Conference brought together Historical Cell Site Location Information Subject Matter Experts from across the nation to present criminal investigations and shared investigative approaches. In addition, the WEXA conference covered Long Term Evolution technology, Radio Frequency exposure, real-time location data, cellular technology updates, and drive-test surveys.

9. In connection with the bank robbery and commercial/retail robbery investigations in which I have participated, I have used a variety of investigative techniques, including witness interviews, speaking with law enforcement agents and officers, reviewing surveillance images and cellular telephone data, and reviewing physical evidence. As a result of this experience and my conversations with other law enforcement

personnel, including FBI Special Agents and local law enforcement detectives who were experienced with commercial robbery investigations, I am familiar with the methods used by individuals to commit commercial robberies as well as effective investigative methods used to solve them.

III. SUMMARY OF PROBABLE CAUSE

10. LASD, FBI, and other law enforcement agencies, are investigating a series of at least fourteen related robberies, in violation of 18 U.S.C. § 1951(a), that started on or about November 27, 2022, and ended on April 26, 2023.

11. On April 26, 2023, following the robbery of V&V Smoke and Vape, in Lawndale, California, **DELACRUZ**, **SIMMONS**, and **MILLER** were arrested following a law enforcement pursuit. Defendants and their vehicle had been under physical surveillance by law enforcement before, during, and after the robbery.

IV. STATEMENT OF PROBABLE CAUSE

A. Robbery of the V&V Smoke and Vape store on April 26, 2023, in Lawndale, California

12. Based on my review of pertinent police reports, I learned the following:

a. On April 26, 2023, at approximately 7:15 p.m., the V&V Smoke and Vape store, located at 15116 Inglewood Avenue, Lawndale, California, was robbed (the "**SUBJECT ROBBERY**"). LASD responded to the robbery and conducted an investigation.

b. LASD interviewed victim Y.A. who told them that two robbers wearing face masks entered the store. Robber 1 walked behind the counter and pulled a black semiautomatic

firearm from his waistband. Robber 1 demanded that Y.A. open the cash register as Robber 1 pointed the handgun at Y.A. Out of fear for Y.A.'s safety, Y.A. opened the cash register. Y.A. feared that he was going to be shot if Y.A. did not comply. Robber 1 took approximately \$1,050 from the cash register and gave the money to Robber 2. Robber 2 also took multiple items from the store while Robber 1 continued to hold Y.A. at gunpoint. Robber 1 and Robber 2 exited the store and were last seen headed southbound on Inglewood Avenue toward 152nd Street.

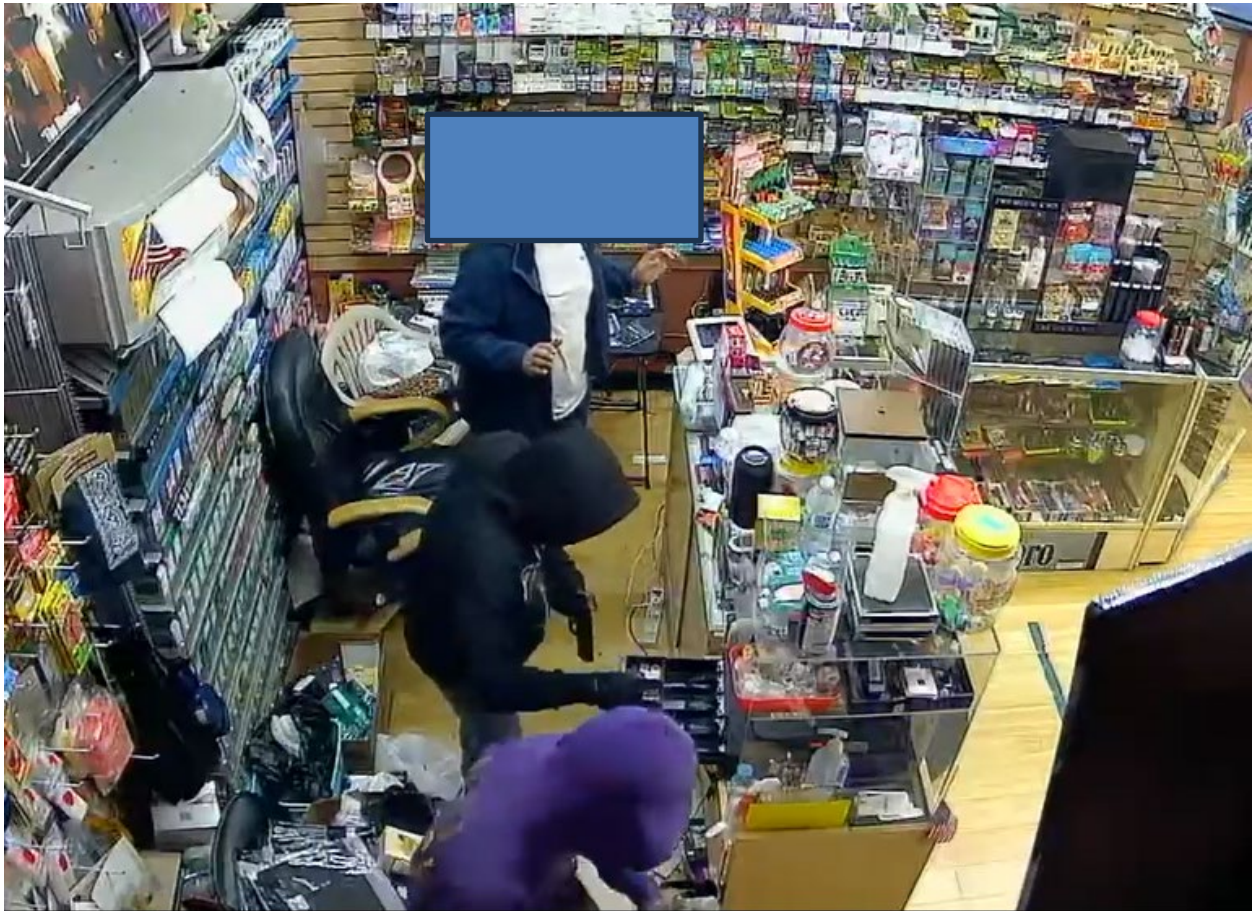
c. Y.A. described Robber 1 as a black male, approximately 20 years old, 5'10", 160 pounds, wearing a black sweatshirt and black ski mask.

d. Y.A. described Robber 2 as a black male, approximately 20 years old, 5'10", 160 pounds, wearing a blue sweatshirt and black ski mask.

e. LASD reviewed the security cameras from the store. The security footage showed Robber 1 walk toward Y.A. and produce what appeared to be a semiautomatic handgun from his waistband and point it at Y.A. Y.A. opened the cash register, and Robber 1 held the firearm in his left hand as he transferred the money from the register with his right hand and placed it inside a bag Robber 2 was holding. Finally, Robber 2 grabbed some random store items before exiting the store.

i. Robber 1 appeared to be a male adult wearing a black sweater and light blue pants. Robber 2 appeared to be a male adult wearing a purple sweater with yellow lettering on the back and multicolored pants.

f. Below is a screenshot from the store's surveillance footage of the two robbers inside the shop:



B. Physical Surveillance of DELACRUZ, SIMMONS, and MILLER Immediately Before the SUBJECT ROBBERY

13. On April 26, 2023, Los Angeles County Major Crimes Bureau - Burglary Robbery Task Force ("BRTF") conducted surveillance on a vehicle that had been seen at numerous armed robberies throughout Los Angeles County. According to BRTF's surveillance notes, at approximately 6:36 p.m., BRTF observed the vehicle (a white, 2014 Ford Explorer with California License Plate "8YJE022") (the "**SUBJECT VEHICLE**") driving westbound on 120th Street from Mona Boulevard. The driver of the **SUBJECT**

VEHICLE was later determined to be **DELACRUZ**. BRTF detectives then observed the **SUBJECT VEHICLE** park in the driveway of 2210 E. 120th Street. BRTF watched at least one black male, later identified as **SIMMONS**, get into the front passenger side of the **SUBJECT VEHICLE** as it was parked in the driveway.

14. At approximately 6:41 p.m., BRTF observed the **SUBJECT VEHICLE** leave the residence on 120th Street, and followed the **SUBJECT VEHICLE** to Grandee Avenue. The **SUBJECT VEHICLE** parked on the west curb-line in front of 607 and 603 Grandee Avenue, where BRTF detectives saw a second black male (later identified as **MILLER**) inside the rear passenger compartment of the **SUBJECT VEHICLE**. At approximately 6:51 p.m., the **SUBJECT VEHICLE** left Grandee Avenue, and at approximately 7:02 p.m., entered the 91 freeway (Westbound) where BRTF detectives followed it as it transitioned onto the 405 (Northbound). At approximately 7:12 p.m., BRTF saw the **SUBJECT VEHICLE** exit northbound onto Inglewood Avenue in the city of Lawndale. BRTF detectives then observed the **SUBJECT VEHICLE** drive approximately three blocks to 152nd Street, where it made an Eastbound turn toward Condon.

15. The **SUBJECT VEHICLE** slowly turned Southbound onto Condon Avenue, where it made a "U-Turn" and headed back to 152nd Street. At approximately 7:15 p.m., the **SUBJECT VEHICLE** parked along the south curb-line on 152nd street (facing east), and Detective Kurinij observed **SIMMONS** and **MILLER** exit the vehicle and walk Westbound toward Inglewood Avenue. **DELACRUZ** remained in the vehicle. Detective Stewart observed **SIMMONS** and **MILLER** as they approached the corner of 152nd Street and Inglewood

Avenue. Detective Stewart then watched **SIMMONS** and **MILLER** walk Northbound through the corner shopping center and enter the front door of "V&V Smoke and Vape," located at 15116 Inglewood Avenue (the **SUBJECT ROBBERY** location). Less than a minute later, Detective Stewart observed **SIMMONS** and **MILLER** run southbound out of the V&V Smoke and Vape Shop toward 152nd Street and out of view. Detective Kurinij observed **SIMMONS** and **MILLER** run Eastbound from Inglewood Avenue, toward the **SUBJECT VEHICLE**. Detective Kurinij watched **SIMMONS** and **MILLER** enter the front and rear passenger doors of the **SUBJECT VEHICLE** before it immediately drove eastbound toward Condon Avenue. Then, BRTF observed the **SUBJECT VEHICLE** make a southbound turn on Condon Avenue, then quickly turn Westbound on 153rd Street toward Inglewood Avenue.

16. As the suspects' location information was being relayed to the BRTF detectives conducting the surveillance, Detective Stewart contacted the employee at V&V Smoke and Vape, who confirmed that he had just been robbed at gunpoint. Detective Stewart relayed that information to the surveillance team, and Detective Fernandez immediately initiated a broadcast requesting uniformed deputy personnel in marked police vehicles assist with conducting a traffic stop on the **SUBJECT VEHICLE**. BRTF detectives maintained constant surveillance on the **SUBJECT VEHICLE** and followed it as it entered the 405 freeway (Northbound) at approximately 7:20 p.m. The **SUBJECT VEHICLE** continued Northbound until it merged onto the 105 freeway (Eastbound). Shortly after merging onto the 105 freeway, the

SUBJECT VEHICLE transitioned onto the far-right shoulder and drove at a very high rate of speed. The **SUBJECT VEHICLE** exited Central Avenue at approximately 7:29 p.m., whereupon LASD deputies attempted to conduct a traffic stop on the **SUBJECT VEHICLE**. The **SUBJECT VEHICLE** failed to yield, and a pursuit ensued.

17. The **SUBJECT VEHICLE** eventually stopped in the driveway of 3614 Josephine Street in Lynwood. At that time, **DELACRUZ**, **SIMMONS**, and **MILLER** were placed under arrest and transported to South Los Angeles Sheriff Station. Defendants were identified during booking.

18. Incident to arrest, BRTF detectives searched the **SUBJECT VEHICLE** and recovered stolen merchandise and U.S. Currency from V&V Smoke and Vape Shop, as well as clothing worn by the suspects during the commission of the crime. LASD was unable to locate any handgun.

C. MILLER's Post-Miranda Statements to Law Enforcement

19. Following **MILLER's** arrest, LASD Detectives Rubin and Fernandez interviewed **MILLER**. **MILLER** waived his Miranda rights before the interview commenced. The interview was audio recorded. Based on my review of the audio recording and LASD'S investigative reports, I know that **MILLER** provided the following information:

a. **MILLER** stated that he participated in the robbery at V&V Smoke and Vape shop earlier that evening.

b. **MILLER** stated that he had participated in approximately four more robberies in the recent past, with the most recent robbery occurring approximately one week ago.

c. **MILLER** stated that he and **SIMMONS** are close friends.

d. **MILLER** stated that he and **SIMMONS** were at **MILLER's** residence when the two began making plans to commit a robbery. **SIMMONS** told **MILLER** about a friend who mentioned a smoke shop in Lawndale that would be a good place to rob.

e. **MILLER** stated that **SIMMONS** contacted **DELACRUZ**, who agreed to drive them to the shop to commit the robbery.

f. **MILLER** stated that **DELACRUZ** drove to **MILLER's** residence and picked **MILLER** and **SIMMONS** up. The three of them drove to the shop in Lawndale and parked down the street. **MILLER** and **SIMMONS** walked from the car and went into the shop. **MILLER** stated that **SIMMONS** pulled a gun from **SIMMONS's** waistband, showed it to the clerk, and demanded money from the register. **MILLER** stated that the clerk complied, and that **MILLER** and **SIMMONS** took money and products off the shelves. **MILLER** and **SIMMONS** put everything inside **SIMMONS's** backpack, and then ran out of the store and into **DELACRUZ's** car. They drove away and got back on the freeway. At some point, **DELACRUZ** noticed police vehicles behind him, and began to drive fast. After exiting the freeway, they made several quick turns onto residential streets. According to **MILLER**, while in the residential area, **SIMMONS** threw the handgun that he used during

the robbery out of the front passenger side window. **MILLER** did not see where the handgun landed.

D. Other Robberies Suspected to Have Been Committed by Defendants

20. Based on modus operandi, LASD believes **DELACRUZ** and other unknown suspects to have committed the following 14 robberies between November 27, 2022, and April 26, 2023:

	BUSINESS	DATE	APPROX. TIME	ADDRESS	CITY	STATE
1	Arco	11/27/2022	9:05 AM	5201 Imperial Highway	South Gate	CA
2	Arco	11/28/2022	2:40 AM	18180 Prairie Ave	Torrance	CA
3	Arco	11/30/2022	12:00 AM	1800 Artesia Blvd	Torrance	CA
4	Arco	11/30/2022	1:08 AM	10808 Lakewood Blvd	Downey	CA
5	Chevron Boston Cream	11/30/2022	1:30 AM	5241 Beach Blvd	Buena Park	CA
6	Donuts	12/6/2022	3:10 AM	1009 W. Anaheim St	Los Angeles	CA
7	Arco	12/6/2022	11:18 PM	701 W. Channel St	Los Angeles	CA
8	7 Eleven	12/6/2022	11:42 PM	701 W. Torrance Blvd	Torrance	CA
9	Shell	12/9/2022	9:45 PM	871 W. San Bernardino Rd	Covina	CA
10	Chevron	3/20/2023	9:02 PM	1150 W. La Habra Blvd	La Habra	CA
11	AM/PM 76 Gas	3/20/2023	9:19 PM	14000 Lambert Road	Whittier	CA
12	Station	3/20/2023	9:30 PM	11025 Washington Blvd	Whittier	CA
13	AM/PM V&V Smoke &	4/23/2023	10:22 PM	10717 S. Carmentia Rd	Whittier	CA
14	Vape	4/26/2023	7:15 PM	15116 Inglewood Ave	Lawndale	CA

E. Vehicle Tracker Location Data for SUBJECT VEHICLE

21. On April 11, 2023, the Honorable Margaret M. Bernal of the Superior Court of California, County of Los Angeles, Southeast Judicial District, signed a search warrant authorizing the installation of a tracking device on the **SUBJECT VEHICLE**.

22. The **SUBJECT VEHICLE** was registered to **DELACRUZ's** mother, Angelina Gutierrez, at 505 W. Elm Street, Compton, California.

23. Based on my review of LASD Crime Analyst Melissa Moreno's draft analysis of the **SUBJECT VEHICLE's** location data, I learned the following:

a. On April 26, 2023, the vehicle tracker data shows a direction of travel away from **DELACRUZ's** residence (3316 Josephine Street, Lynwood, California)¹ to the **SUBJECT ROBBERY** location.

b. On April 26, 2023, between 7:13 p.m. and 7:19 p.m., the vehicle tracker location data puts the **SUBJECT VEHICLE** within close proximity (within approximately 224 feet) of the **SUBJECT ROBBERY** location. The **SUBJECT ROBBERY** occurred at approximately 7:15 p.m.

24. Based on review for other suspected robbery dates, the vehicle tracker location data also puts the **SUBJECT VEHICLE** at four other robbery locations mentioned above in paragraph 14(a). Specifically:

a. The March 20, 2023 robbery at Chevron, 1150 W. La Habra Boulevard, La Habra, California;

b. The March 20, 2023 robbery at AM/PM, 14000 Lambert Road, Whittier, California;

¹ Based on my conversations with LASD detectives, I know that during prior surveillance, LASD frequently saw DELACRUZ enter and leave this residence. Moreover, the vehicle tracker data has repeatedly pinged to this location.

c. The March 20, 2023 robbery at 76 Gas Station, 11025 Washington Boulevard, Whittier, California; and

d. The April 23, 2023 robbery at AM/PM, 10717 S. Carmentia Road, Whittier, California.

F. V&V Smoke and Vape Shop in and Affecting Interstate Commerce

25. On June 16, 2023, I called Y.A. and Y.A. provided me the following information regarding the V&V Smoke and Vape shop:

a. The shop takes cash and credit card payments.

b. The shop sells Coca-Cola products.

c. The shop sells items that were made/manufactured outside the state of California.

V. CONCLUSION

26. For all the reasons described above, there is probable cause to believe that **DELACRUZ**, **SIMMONS**, and **MILLER** have committed a violation of 18 U.S.C. §§ 1951(a) (Hobbs Act Robbery), 924(c) (Brandishing a Firearm in Furtherance of a Crime of Violence), and 2(a) (Aiding and Abetting) as described above for the **SUBJECT ROBBERY**.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 21st day of June, 2023.



HONORABLE BRIANNA FULLER MIRCHEFF
UNITED STATES MAGISTRATE JUDGE